IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE FOURTEENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

HON'BLE MR. JUSTICE B. SUDERSHAN REDDY

and
HON'BLE MR. JUSTICE C.V.RAMULU

WRIT PETITION No.22726 of 2004

Between:

1 Somathati. Yohan S/o.Jakaraiah
R/o. Mudivarthi (V) Vidavalur Mandal
Nellore District.

2 Nannam Venkataramanaiah S/o.Pothaiah
R/o. Mudivarthi (V) Vidavalur Mandal
Nellore District.

..... PETITIONERS

AND

1 The District Collector Nellore District, Nellore.
2 The Joint Collector Cum-Chairman Screening Committee

Nellore District, Nellore.
3 The Revenue Divisional Officer Kavali, Nellore District.
4 The Mandal Revenue Officer Vidavalur Mandal, Nellore

District.
5 The Executive Engineer Pollution Control Board

A.K.Nagar, Nellore District.

6 Koduru.Satish Reddy S/o.Prabhakar Reddy
R/o.Vidavaluru (V) Vidalavuru Mandal Nellore District.

7 Koduru. Sunil Kumar Reddy S/o.Prabhakar Reddy
R/o.Vidavaluru (V) Vidalavuru Mandal Nellore District.

8 Koduru.Prabhakar Reddy S/o.Sundarami Reddy
R/o.Vidavaluru (V) Vidalavuru Mandal Nellore District.

9 Koduru.Sujathamma W/o.Prabhakar Reddy
R/o.Vidavaluru (V) Vidalavuru Mandal Nellore District.

10 Modegunta.Ramachandriah @ Sivaramachandraiah

W/o.Prabhakar Reddy
R/o.Vidavaluru (V) Vidalavuru Mandal Nellore District.

11 Modegunta Sanieevaiah S/o Polaiah
R/o.Vidavaluru (V) Vidalavuru Mandal Nellore District.

12 Modegunta Ramaiah S/o.Polaiah
R/o.Vidavaluru (V) Vidalavuru Mandal Nellore District.

13 Damegunta Chandrasekhar Reddy S/o.Varada Reddy
R/o.Vidavaluru (V) Vidalavuru Mandal Nellore District.

14 Damegunta Lalithamma W/o.Chandrasekahar Reddy
R/o.Vidavaluru (V) Vidalavuru Mandal Nellore District.

15 Leburu Kota Reddy S/o.Gopal Reddy
R/o.Vidavaluru (V) Vidalavuru Mandal Nellore District.

16 Leburu Muralikrishna Reddy S/o.Gopal Reddy
R/o.Vidavaluru (V) Vidalavuru Mandal Nellore District.

17 Leburu Hansavenamma W/o.Pattabirami Reddy
R/o.Vidavaluru (V) Vidalavuru Mandal Nellore District.

18 Pasam Naveenkumar Reddy S/o.Srihari Reddy
R/o.Vidavaluru (V) Vidalavuru Mandal Nellore District.

19 Pasam. Srihari Reddy S/o.Srihari Reddy
R/o.Vidavaluru (V) Vidalavuru Mandal Nellore District.

20 Pasam. Anilkumar Reddy S/o.Srihari Reddy
R/o.Vidavaluru (V) Vidalavuru Mandal Nellore District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, direction, order or orders more particularly one in the nature of writ of Mandamus declaring the action of the respondents 1 to 5 in not taking any action against the respondents 6 to 20 for converting their agricultural lands shown in the petition schedule lands of Vidalavalur (M) and (V), Nellore District into aquaculture as illegal, arbitrary, malafide and violative of principles of natural justice and contrary to the Judgment of the Hon'ble Supreme Court and as well as the Judgment of this Hon'ble Court and consequently direct the respondents 1 to 5 to prevent the respondents 6 to 20 from continuing the aquaculture in their lands by demolishing the fish ponds raised in the Schedule mentioned lands in the interest of justice.

Counsel for the Petitioner :Mr. A.Chandraiah Naidu

Counsel for the Respondent Nos.1 to 4: G.P. for Revenue

Counsel for the Respondent No.5 : Mr. S.V.Bhatt

The Court at the admission stage made the following :

ORAL ORDER: (Per Hon'ble Mr. Justice B.Sudershan Reddy)

The petitioners invoked the extraordinary jurisdiction of this Court under Article 226 of the Constitution of India with prayer to issue a writ of mandamus declaring the inaction on the part of respondents 1 to 5 in taking action against respondents 6 to 20 for converting their agricultural lands shown in the petition schedule into aquaculture, as illegal and arbitrary. Petitioners accordingly prayed for consequential direction directing the respondents 1 to 5 to prevent the respondents 6 to 20 from continuing the aquaculture in their lands shown in the petition schedule.

We have heard learned counsel for petitioners, learned standing counsel appearing on behalf of fifth respondent and learned Government Pleader on behalf of respondents 1 to 4. Since it is not proposed to pass orders as against respondents 6 to 20, no notice as against them is required to be issued at this stage.

Having regard to the nature of allegations made in the affidavit filed by the petitioners in support of the writ petition, we consider it appropriate to direct the respondents 1 to 5 herein to treat the affidavit filed in this writ petition as representation for the purpose of making an enquiry into the allegations. That an appropriate enquiry shall be made with reference to the allegations made in the affidavit and take appropriate action in accordance with law. It is needless to

observe that respondents

6 to 20 against whom allegations are made shall also be put on notice before taking any decision in the matter. That an appropriate decision shall be taken within six weeks from the date of receipt of a copy of this order. Petitioners shall make further representation along with a copy of this order together with the affidavit in this writ petition, which shall be duly received by official respondents to comply with the directions. There shall be an order accordingly.

The writ petition is accordingly disposed of.

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B.SUDERSHAN REDDY, J

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C.V.RAMULU, J

14-12-2004

Note: Furnish copy by tomorrow.

(b/o)

bsc

To

1 The District Collector Nellore District, Nellore.
2 The Joint Collector Cum-Chairman Screening Committee

Nellore District, Nellore.
3 The Revenue Divisional Officer Kavali, Nellore District.

4 The Mandal Revenue Officer Vidavalur Mandal, Nellore

District.

5 The Executive Engineer Pollution Control Board
A.K.Nagar, Nellore District.

6. 2 CCs to Govt. Pleader for Revenue, High Court buildings,

Hyderabad (OUT)

7. 2 C.D. copies